

5/015/046

September 26, 1989

Mr. Neil Simmons  
US Dept. Of the Interior  
Bureau of Land Management  
900 North 700 East  
Price, Utah 84501

Dear Mr. Simmons:

I am enclosing a map depicting our current mining operation located in the NW 1/4 of Section 26 T22s Range 6E.

As you know, due to the proposed elimination of our Miller Canyon access, it was necessary to enlarge our truck turnaround area to allow access and departure from above. This was done in conjunction with our normal road maintenance and assessment work. The area was widened approximately 20 feet. The total area disturbed was approximately 20X60 feet or approximately 1200 square feet.

We intend to continue the mining operation which was submitted and later approved on September 12, 1985 by your Area Manager Mr. Samuel R. Rowley.

If a change in our small mining operation is contemplated, we will submit a plan for your approval. In this regard, it will be helpful if you will supply us with the name and location of your legal counsel so that we can determine exactly what activities will constitute a change in our current operations.

Very truly yours,

  
T. J. Clark

CLERK  
Lmk  
Hut  
HMB



NOTE:  
THIS ACCESS IS NO LONGER AVAILABLE

PORTAL TO MINE

20'X60' AREA ENLARGEMENT  
ACCOMPLISHED FALL '89

TRUCK TURNAROUND

PRE-EXISTING ROAD

Miller  
Canyon

6200

26

Miller  
26

688 101 1389



Moab District  
San Rafael Resource Area  
900 North 700 East  
Price, Utah 84501

CERTIFIED MAIL--Return Receipt Requested  
Certification No. 060 435 433

SEP 12 1989

NOTICE OF DECISION

Mr. Tom Clark  
Mivita Distributing Company  
939 West Jewell Avenue  
Salt Lake City, Utah 84101

We have determined that you are in noncompliance with 43 Code of Federal Regulations 3809.1-3 which requires submission of a notice for exploration or mining activities disturbing five acres or less. We have found evidence of surface mining, including stockpiles and a loader, on your Daddy Dearest mining claim group in Emery County. This disturbance is adjacent to your mine portal in T. 22 S., R. 6 E., Section 26, SLM.

You shall be required to submit a plan of operations within 30 days of the date of this decision letter. No further activities shall occur until the plan has been approved. Bonding shall be required and the amount of the bond shall be included in approval of the plan. Any other proposed activities in different locations shall also require plans of operation and bonding.

Any plan of operations shall include a reclamation plan and a map showing access routes and the area in which mining will occur. The plan shall meet the requirements of 43 CFR 3809.1-5.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal, unless a written request for a stay is granted.

/S/ JAMES W. DRYDEN

Area Manager

cc: Holland Shepherd, DDCM

NSimmons:ks:9/11/89  
Wang 14770



Moab District  
San Rafael Resource Area  
900 North 700 East  
Price, Utah 84501

CERTIFIED MAIL--Return Receipt Requested  
Certification No. 060 435 441

NOV 15 1989

NOTICE OF DECISION

Mr. Tom Clark  
Divita Distributing Company  
833 West Jewell Avenue  
Salt Lake City, Utah 84104

Your plan of operations for an underground mine on the Daddy Dearest mining claim group is approved subject to the following conditions:

1. All active access roads shall have water bars installed by March 31, 1989.
2. The operation shall be kept clean of trash and debris. Any trash and/or debris shall be disposed of at an authorized city or county dump or landfill.
3. The unused access road and any other areas not needed for operation shall be reclaimed, which includes recontouring and reseeding, by November 30, 1990.
4. Any proposed surface disturbance outside previously disturbed areas shall be reported to the authorized officer, San Rafael Resource Area, at least 30 days prior to the disturbance. If any cultural or paleontological values are discovered during the course of operations, work shall cease at the site and the authorized officer, San Rafael Resource Area, shall be notified. Costs of salvage of any cultural or paleontological sites shall be borne by the Federal Government.
5. All explosives/blastng agents shall be stored in a secured area.
6. No oil or lubricants shall be drained onto the ground. Any spills of oil or lubricants shall be cleaned up and the contaminated material shall be disposed of at an authorized dump or landfill.
7. Any portals shall be sealed upon abandonment.
8. All disturbed areas shall be restored to approximately the original contour, the topsoil spread, and the area scarified to a depth of three inches. The area shall be seeded between October 1 and November 30, unless

otherwise directed by the authorized officer, San Rafael Resource Area, with the following seed mixture at the rate of 7 pounds per acre. If the seed is broadcast, a harrow or other such implement shall be dragged over the seedbed to ensure coverage.

| <u>Grasses, Shrubs &amp; Forbs/Species</u> |                             | <u>Pounds Per Acre</u> |
|--|-----------------------------|------------------------|
| Indian ricegrass                           | <u>Oryzopsis hymenoides</u> | 3                      |
| Galleta grass                              | <u>Hilaria jamesii</u>      | 2                      |
| Fourwing saltbush                          | <u>Atriplex canescens</u>   | 1                      |
| Yellow sweet clover                        | <u>Heliotus officinalis</u> | 1                      |
| Total                                      |                             | 7                      |

9. The stockpiles along the edge of the road shall be moved and stabilized as directed by the authorized officer.

Approval of this plan will not now or in the future serve as a determination of the ownership or the validity of any mining claim to which it may relate.

A reclamation bond in the amount of \$3,200 shall be required prior to any future operations. Bonding requirements can be met by an individual cash bond, cash deposited and maintained in a Federal depository account of the United States Treasury, negotiable securities of the United States, or a corporate security bond.

Costs for determining the amount of the reclamation costs for bond are as follows:

|                             |         |
|-----------------------------|---------|
| Mobilization                | \$ 150  |
| Removal of structures       | 500     |
| Grading/shaping             | 1,000   |
| Seedbed preparation/seeding | 400     |
| Portal closure              | 1,000   |
| Demobilization              | 150     |
| Total                       | \$3,200 |

The bond amount may be appealed.

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/S/ JAMES W. DRYDEN

Area Manager

cc: Holland Shepherd, DDCM

HSimmons:ks:11/8/89  
Wang 1538D